

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Health, Education, Labor, and Pensions.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1134) "To amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1745. A communication from the Acting Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report relative to contractual offset agreements, memoranda of understanding, and waivers for foreign-produced goods; to the Committee on Appropriations.

EC-1746. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report entitled "Legislative Recommendations 2005"; to the Committee on Rules and Administration.

EC-1747. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans" (DFARS Case 2004-D029) received on April 13, 2005; to the Committee on Armed Services.

EC-1748. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contractor Performance of Acquisition Functions Closely Associated with Inherently Governmental Functions" (DFARS Case 2004-D021) received on April 13, 2005; to the Committee on Armed Services.

EC-1749. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Contractor Performance of Security-Guard Functions" (DFARS Case 2004-D032) received on April 13, 2005; to the Committee on Armed Services.

EC-1750. A communication from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR part 542: Syrian Sanctions Regulations" received on April 11, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1751. A communication from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Collection of Civil

Penalties in the Iranian Assets Control Regulations, the Libyan Sanctions Regulations, and the Iraqi Sanctions Regulations" received on April 11, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1752. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Guidance Regarding Prohibited Conduct in Connection with IPO Allocations" received on April 11, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1753. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled "Plan Colombia/Andean Ridge Counterdrug Initiative Semi-Annual Obligation Report, 3rd and 4th Quarters Fiscal Year 2004"; to the Committee on the Judiciary.

EC-1754. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's 2004 fiscal year report on the Uniformed Services Employment and Reemployment Rights Act of 1994; to the Committee on Veterans' Affairs.

EC-1755. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Administration's report entitled "Performance Profiles of Major Energy Producers 2003"; to the Committee on Energy and Natural Resources.

EC-1756. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Virginia Regulatory Program" (VA-121-FOR) received on April 11, 2005; to the Committee on Energy and Natural Resources.

EC-1757. A communication from the Secretary, Department of Agriculture, transmitting, pursuant to law, the Department's annual report entitled "Assessment of the Cattle, Hog, Poultry, and Sheep Industries"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1758. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Bovine Spongiform Encephalopathy; Minimal Risk Regions and Importation of Commodities; Finding of No Significant Impact and Affirmation of Final Rule" (APHIS Docket No. 03-080-7) received on April 11, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1759. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's fiscal year 2004 report relative to the Medical Device User Fee and Modernization Act of 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-1760. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report entitled "American Indian and Alaska Native Head Start Facilities"; to the Committee on Health, Education, Labor, and Pensions.

EC-1761. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "West Nile Virus Prevention and Control: Ensuring the Safety of the Blood Supply and Assessing Pesticide Spraying"; to the Committee on Health, Education, Labor, and Pensions.

EC-1762. A communication from the Acting Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Procedures for the

Handling of Discrimination Complaints Under Section 6 of the Pipeline Safety Improvement Act of 2002" (RIN1218-AC12) received on April 11, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1763. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations" (Docket No. 2000N-1596) received on April 11, 2005.

EC-1764. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Feed and Drinking Water of Animals: Poly(2-vinylpyridine-co-styrene); Salts of Volatile Fatty Acids" received on April 13, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1765. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Instrumentation for Clinical Multiplex Test Systems" received on April 13, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1766. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Drug Metabolizing Enzyme Genotyping System" received on April 13, 2005; to the Committee on Health, Education, Labor, and Pensions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN:

S. 811. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SPECTER:

S. 812. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 813. A bill to amend part D of title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate for lower prices for Medicare prescription drugs; to the Committee on Finance.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 814. A bill to amend the Mineral Leasing Act to promote the development of Federal coal resources; to the Committee on Energy and Natural Resources.

By Mr. THOMAS (for himself, Ms. SNOWE, Mr. ENZI, Mr. BINGAMAN, Mr. ALEXANDER, Mr. TALENT, Mr. ENSIGN, and Mr. SMITH):

S. 815. A bill to amend the Internal Revenue Code of 1986 to allow a 15-year applicable recovery period for depreciation of certain electric transmission property; to the Committee on Finance.

By Mr. REID (for Mrs. CLINTON):

S. 816. A bill to establish the position of Northern Border Coordinator in the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW (for herself, Mr. GRAHAM, and Mr. BAYH):

S. 817. A bill to amend the Trade Act of 1974 to create a Special Trade Prosecutor to ensure compliance with trade agreements, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. SALAZAR, Mr. THUNE, Mr. DORGAN, Mr. ENZI, Mr. JOHNSON, Mr. DAYTON, and Mr. HARKIN):

S. 818. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSON:

S. 819. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 820. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself, Mr. BAUCUS, Mr. BURNS, Mr. BENNETT, Mr. INOUE, Mr. THOMAS, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. DOMENICI, Mr. SALAZAR, Mr. COCHRAN, and Mrs. FEINSTEIN):

S. 821. A bill to require the Secretary of the Treasury to mint coins in commemoration of the founding of America's National Parks, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 822. A bill to prevent the retroactive application of changes to Trans-Alaska Pipeline Quality Bank valuation methodologies; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 111. A resolution urging the United States to increase its efforts to ensure democratic reform in the Kyrgyz Republic; considered and agreed to.

By Mr. DODD (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BINGAMAN, Ms. CANTWELL, Mr. COLEMAN, Ms. COLLINS, Mr. DAYTON, Mr. DURBIN, Mr. INOUE, Mr. JOHNSON, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Mrs. MURRAY, Mr. SALAZAR, Mr. SANTORUM, Mr. SCHUMER, and Ms. SNOWE):

S. Res. 112. A resolution designating the third week of April in 2005 as "National Shaken Baby Syndrome Awareness Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 98

At the request of Mr. ALLARD, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 154

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 154, a bill to grant a Federal charter to the National American Indian Veterans, Incorporated.

S. 313

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 347

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care operations and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 375

At the request of Mr. BAYH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 375, a bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 495

At the request of Mr. CORZINE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of

S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 537

At the request of Mr. BINGAMAN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 558

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 627

At the request of Mr. HATCH, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Michigan (Ms. STABENOW), the Senator from North Carolina (Mrs. DOLE) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 702

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 702, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 709

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 765

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 765, a bill to preserve mathematics- and science-based industries in the United States.

AMENDMENT NO. 443

At the request of Mr. DURBIN, the names of the Senator from Michigan